

REMARKS

Initially, Applicants note that the prosecution of the application has been reopened. Applicants note with appreciation the Examiner's indication that claims 8, 13, and 22 are allowed.

Applicants amend claims 15 and 21 to improve form, and add new claims 23-34. No new matter has been introduced. Support for the claim amendments can be found throughout Applicants' original specification, for example, at page 45, lines 12-22. Claims 8, 13, 15, and 21-34 are pending.

Claims 15 and 21 stand rejected 35 U.S.C. § 102(e) as being anticipated by Ma et al. (U.S. Patent No. 6,650,738). The rejection is respectfully traversed.¹

Without acquiescing in the rejection, Applicants amend claims 15 and 21 to substantially incorporate subject matter similar to that in allowed in claims 8, 13, and 22. Ma et al. does not disclose or suggest the combination of features recited in claims 15 and 21, as amended. For example, Ma et al. does not disclose or suggest an action memory configured to store a plurality of entries, wherein each of the entries includes: a first field configured to store DSCP data or priority data relating to one of the classes of service, a second field configured to store data indicating whether the first field stores valid priority data, and a third field configured to store data indicating whether the first field stores valid DSCP data, as recited in claims 15 and 21.

¹ As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

For at least these reasons, claims 15 and 21 are not anticipated by Ma et al.

Accordingly, reconsideration and withdrawal of the rejection of claims 15 and 21 under 35 U.S.C. § 102(e) based on Ma et al., and allowance of claims 15 and 21 are respectfully requested.

New claims 23-34 variously depend from claims 8, 13, 15, 21, and 22 and are, therefore, allowable at least by virtue of their dependency from their respective base claims.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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